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SUGHRUE-265550			CHANG, VICTOR S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

NOTE

1. Applicants argue at Remarks page 2

“A Declaration under 37 C.F.R, § 1.132 was submitted with the previous response on August 22, 2008 demonstrating the negative effect a tackifier would have on the claimed invention. Accordingly, batteries were prepared using electrolytes containing a tackifier and not containing a tackifier. The batteries containing electrolytes including a tackifier exhibited a faster degradation in discharge capacity as compared to a battery containing an electrolyte having no tackifier. Based on this evidence, it can be seen that it is unsuitable to use a tackifier not only in the battery, but also in the adhesive for a battery separator.”

However, since statement of intended use in the preamble does not serve to distinguish structure and/or composition over the prior art, it has not been given any patentable weight. Further, even if the use statement is considered, no evidence has been provided that a tackifier in the prior art teaches away from the claimed invention.

2. Applicants argue at page 3

“It is respectfully submitted that it was argued that with respect, to the function of a battery, it is preferable that the supporting ratio of an adhesive is lower, but rather the contrary is preferable when adhesion to a battery is considered. Thus, the Examiner’s statement that reduced surface coverage is common and well known motivated by the desire to adjust the amount of adhesiveness and/or a reduced cost is in error since it is overbroad and generalized. Specifically, the Examiner’s “Official Notice” is conclusory.”

However, claim 7 recites

“The partially crosslinked adhesive-supported on a porous film as claimed in claim 1, wherein the partially crosslinked adhesive is supported on the porous film substrate at a supporting ratio in the range of from 5 to 95%.”

Therefore, applicants’ statement “but rather the contrary is preferable when adhesion to a battery is considered” is not understood. Applicants may wish to further clarify the argument in the next reply. Nevertheless, after a careful reconsideration, the examiner maintains that JP '085 relates

to a heat resistant adhesive adhered on a foam (porous) substrate, and they are *broadly* used for the application of building materials, home electronics, the shock absorbing material for automobiles, a crevice tape, etc. [0002]. Clearly, JP '085 teaches various end uses of the adhesives, and encompasses adhering a foam substrate, such as an air filter, to a device surface, and partial coverage of the foam surface for attachment is expected for maintaining air flow through an air filter. Nothing whatsoever has applicants provided any evidence to the contrary of the examiner's Office notice that the coverage of the adhesive over the foam of the claimed invention necessarily excludes the teachings of prior art.